

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 04-10191-WGY
)	
RODAS ALVARADO)	

ASSENTED-TO MOTION TO ENLARGE TIME FOR FILING MOTIONS

Defendant, Rodas Alvarado, moves that this court enlarge the time for filing substantive motions in this case from August 23 until September 20 and continue the trial in this case from September 13 until at least October 12.¹

As grounds for this motion, undersigned counsel states as follows. At the request of undersigned counsel, Assistant U.S. Attorney Nadine Pellegrini has requested a tape recording of the underlying deportation proceeding. Undersigned counsel is awaiting receipt of that tape recording, which she must then review to determine whether a basis exists for seeking dismissal of the illegal re-entry count. Undersigned counsel has not yet received discovery required to be disclosed 21 days before trial. Undersigned counsel further states that she needs additional time to investigate possible motions to suppress in this case.

Ms. Pellegrini is out of the office this week, and undersigned counsel will be away next week. Therefore, absent a

¹ Although undersigned counsel has a trial scheduled for October 12 in the case of United States v. Tony Smith, Criminal No. 02-10067-NG, she anticipates that case will be resolved by a change of plea.

continuance, undersigned counsel's first chance to review the tape recording (assuming it is produced within the next two weeks) would be less than one week before trial.

Assistant U.S. Attorney James Lang has stated that he assents to this motion. The parties agree that the time from the date that this motion is filed to the new trial date should be excluded under the provisions of the Speedy Trial Act.

RODAS ALVARADO
By his attorney,

/s/Miriam Conrad

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